

Message Text

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ACTION L-03

INFO OCT-01 EUR-12 ISO-00 CPR-01 IO-11 OIC-02 PA-02 PRS-01

OMB-01 TRSE-00 SP-02 AF-06 ARA-10 EA-09 NEA-10 SSO-00

NSCE-00 USIE-00 INRE-00 CCO-00 CIAE-00 OTPE-00 EB-07

FCC-02 INR-07 NSAE-00 OC-05 COME-00 BIB-01 DODE-00

DOT-00 FMC-02 CG-00 OFA-01 DLOS-04 /100 W

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O 191318Z FEB 76

FM AMEMBASSY LONDON

TO SECSTATE WASHDC IMMEDIATE 9113

UNCLAS SECTION 01 OF 02 LONDON 02581

E.O. 11652: N/A

TAGS: PORG, ETEL, IMCO

SUBJECT: INMARSAT CONFERENCE, SECOND SESSION:
PRIVILEGES AND IMMUNITIES

REF: LONDON 2570

FOR: L/M, L/EB, L/UNA

1. UK DEL HAS SUBMITTED PROPOSED PRIVILEGES AND IMMUNITIES ARTICLE AS IN PARA 2 BELOW US DEL REQUESTS IMMEDIATE DECISION WHETHER, IN LIGHT OF COMSAT LETTER OF 2/3/76, UK TEXT IS ACCEPTABLE. UK TEXT IN PARAS L AND 2(A) ARE SUBSTANTIALLY SAME AS ARTICLES 3, 4 AND L3 OF DRAFT PROTOCOL IN MARSAT/CONF/13, ANNEX III. IF NOT ACCEPTABLE, PLEASE SUPPLY NECESSARY DRAFTING CHANGES. APPEARS TO BE CONSIDERABLE SUPPORT FOR UK-TYPE PROPOSAL VIS A VIS ARTICLE XV IN INTELSAT AGREEMENT. PLEASE SUPPLY IMMEDIATE DECISION.

2. ARTICLE 30 - CL/WP/37.

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QUOTE

PRIVILEGES AND IMMUNITIES

(1) (A) WITHIN THE SCOPE OF ITS OFFICIAL ACTIVITIES, THE ORGANIZATION AND ITS PROPERTY AND INCOME SHALL BE EXEMPT FROM ALL DIRECT TAXES AND OTHER SIMILAR TAXES AND DUTIES NOT NORMALLY INCORPORATED IN THE COST OF GOODS AND SERVICES.

(B) PAYMENTS FROM THE ORGANIZATION TO PARTIES OR THEIR SIGNATORIES IN ACCORDANCE WITH ARTICLE VIII OF THE OPERATING AGREEMENT SHALL BE EXEMPT FROM TAXATION BY ANY OTHER PARTY.

(C) WHEN THE ORGANIZATION MAKES PURCHASES, OR USES SERVICES, OF SUBSTANTIAL VALUE, WHICH ARE STRICTLY NECESSARY FOR THE EXERCISE OF ITS OFFICIAL ACTIVITIES, AND IF THE PRICE OF THESE PURCHASES OR SERVICES INCLUDES TAXES OR DUTIES, PARTIES SHALL, WHENEVER POSSIBLE, TAKE APPROPRIATE MEASURES TO REMIT OR REIMBURSE THE AMOUNT OF THE TAX OR DUTY.

(D) GOODS IMPORTED OR EXPORTED BY THE ORGANIZATION OR ON ITS BEHALF BY AN AGENT DESIGNATED BY THE ORGANIZATION AND ACCEPTED BY THE RELEVANT PARTY, AND STRICTLY NECESSARY FOR THE EXERCISE OF ITS OFFICIAL ACTIVITIES, SHALL BE EXEMPT FROM ALL CUSTOMS DUTIES, TAXES AND RELATED CHARGES OTHER THAN CHARGES FOR STORAGE, CARTAGE AND SIMILAR SERVICES.

(E) NO EXEMPTION SHALL BE ACCORDED IN RESPECT OF DUTIES AND TAXES WHICH REPRESENT PAYMENT FOR SPECIFIC SERVICES RENDERED.

(F) NO EXEMPTION SHALL BE ACCORDED IN RESPECT OF GOODS ACQUIRED OR SERVICES PROVIDED FOR THE PERSONAL BENEFIT OF STAFF MEMBERS.

(G) GOODS BELONGING TO THE ORGANIZATION, WHICH HAVE BEEN EXEMPTED UNDER THIS PARAGRAPH, SHALL NOT BE TRANS-

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FERRED PERMANENTLY OR TEMPORARILY FOR GAIN OR OTHERWISE EXCEPT IN ACCORDANCE WITH CONDITIONS LAID DOWN BY THE PARTIES WHICH HAVE MADE REMISSIONS OR REIMBURSEMENTS OR GRANTED EXEMPTIONS

(H) IN THIS PARAGRAPH "OFFICIAL ACTIVITIES OF THE ORGANIZATION" SHALL MEAN ITS ACTIVITIES CARRIED OUT IN PURSUANCE OF ITS PURPOSE AS DEFINED IN THIS CONVENTION

AND SHALL INCLUDE THE ADMINISTRATIVE ACTIVITIES OF THE ORGANIZATION.

2. (A) SALARIES AND EMOLUMENTS PAID BY THE ORGANIZATION TO STAFF MEMBERS SHALL BE EXEMPT FROM INCOME TAX IN THE TERRITORY OF PARTIES FROM THE DATE UPON WHICH SUCH STAFF

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INFO OCT-01 EUR-12 ISO-00 CPR-01 IO-11 OIC-02 PA-02 PRS-01

OMB-01 TRSE-00 SP-02 AF-06 ARA-10 EA-09 NEA-10 SSO-00

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TO SECSTATE WASHDC IMMEDIATE 9114

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MEMBERS HAVE BEGUN TO BE LIABLE FOR A TAX IMPOSED ON THEIR SALARIES BY THE ORGANIZATION FOR THE LATTER'S BENEFIT. PARTIES MAY TAKE THESE SALARIES AND EMOLUMENTS INTO ACCOUNT FOR THE PURPOSE OF ASSESSING THE AMOUNT OF TAXATION TO BE APPLIED TO INCOME FROM OTHER SOURCES.

(B) IN THE EVENT OF THE ORGANIZATION OPERATING A SYSTEM FOR THE PAYMENT OF PENSIONS AND ANNUITIES TO ITS FORMER DIRECTOR-GENERALS AND STAFF MEMBERS, THE PROVISIONS OF THE PRECEDING SUB-PARAGRAPH SHALL NOT APPLY TO SUCH PENSIONS AND ANNUITIES.

(C) NO PARTY IS OBLIGED TO ACCORD TO ITS OWN
NATIONALS THE PRIVILEGES REFERRED TO IN THIS PARAGRAPH.

3. (A) THE GOVERNMENT OF THE PARTY IN WHOSE TERRITORY
THE HEADQUARTERS OF THE ORGANIZATION IS SITUATED
(HEREINAFTER REFERRED TO AS "THE HOST GOVERNMENT")
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SHALL, AS SOON AS POSSIBLE AFTER THE ENTRY INTO FORCE
OF THIS CONVENTION, CONCLUDE WITH THE ORGANIZATION AN
AGREEMENT, TO BE APPROVED BY THE COUNCIL, RELATING TO
THE PRIVILEGES AND IMMUNITIES OF THE ORGANIZATION, ITS
DIRECTOR-GENERAL, ITS STAFF, OF EXPERTS PERFORMING
MISSIONS FOR THE ORGANIZATION AND OF REPRESENTATIVES
OF PARTIES AND SIGNATORIES WHILST IN THE TERRITORY OF
THE HOST GOVERNMENT FOR THE PURPOSE OF EXERCISING THEIR
FUNCTIONS.

(B) SUCH AGREEMENT SHALL BE INDEPENDENT OF THIS
CONVENTION BUT SHALL TERMINATE:

(I) Y AGREEMENT BETWEEN THE HOST GOVERNMENT
AND THE ORGANIZATION; OR

(II) IN THE EVENT OF THE HEADQUARTERS OF THE
ORGANIZATION BEING MOVED FROM THE TERRITORY
OF THE HOST GOVERNMENT.

4. ALL PARTIES SHALL AS SOON AS POSSIBLE AFTER THE
ENTRY INTO FORCE OF THIS CONVENTION CONCLUDE A PROTOCOL
ON THE PRIVILEGES AND IMMUNITIES OF THE ORGANIZATION,
ITS DIRECTOR-GENERAL, ITS STAFF, OF EXPERTS PERFORMING
MISSIONS FOR THE ORGANIZATION AND OF REPRESENTATIVES
OF PARTIES AND SIGNATORIES WHILST IN THE TERRITORY OF
PARTIES FOR THE PURPOSES OF EXERCISING THEIR FUNCTIONS.
SUCH PROTOCOL SHALL BE INDEPENDENT OF THIS AGREEMENT
AND SHALL PRESCRIBE THE CONDITIONS OF ITS TERMINATION.

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